

ORDINANCE NO. 1409

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 24 OF THE CITY CODE OF ORDINANCES RELATED TO VEHICLES FOR HIRE; CREATING DEFINITIONS FOR THE NEW CATEGORIES OF "NETWORK COMPANY," "NETWORK VEHICLE" AND "DESIGNATED DRIVER OPERATION;" DECLARING THESE NEW CATEGORIES OF VEHICLES FOR HIRE PERMISSIBLE; CLARIFYING THAT VEHICLE PERMITS ARE NOT REQUIRED FOR THESE NEW CATEGORIES AND THAT DIVISIONS I AND II OF ARTICLE II ARE INAPPLICABLE EXCEPT THE REQUIREMENTS FOR DISPLAYING DRIVER'S PERMITS AND FOR MAINTAINING DAILY MANIFESTS; ALLOWING ONLINE, DIGITAL OR ELECTRONIC RECORDS TO MEET THE MANIFEST, LOG, AND RECEIPT REQUIREMENTS; CREATING DIVISION III OF ARTICLE II REGULATING LICENSURE OF NETWORK COMPANIES, MINIMUM REQUIREMENTS OF NETWORK COMPANIES, NETWORK DRIVERS, AND NETWORK VEHICLES; REQUIRING DRIVER AND VEHICLE AUTHORIZATION BE DISPLAYED; GRANTING AUTHORITY TO THE CHIEF OF POLICE TO SUSPEND NETWORK DRIVERS OR THE LICENSURE OF ANY TRANSPORTATION NETWORK COMPANY; ALLOWING A METHOD OF APPEAL FOR THE REVOCATION OF A NETWORK COMPANY LICENSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the introduction of new competing models for vehicle for hire services, many of which are provided and marketed on a national or international basis, has significantly altered the vehicle for hire marketplace; and

WHEREAS, the Council wishes to protect the health, safety and welfare of the public, to promote availability and accessibility of cost-effective public transportation, and to allow innovation in the provision of passenger vehicle services; and

WHEREAS, the Council wishes to provide for safe, convenient and efficient transportation for the general public, enhance the image of the City, more effectively serve visitors who are accustomed to using a variety of ride alternative, and eliminate conflict and confusion among users between different types of services; and

WHEREAS, designated driver operations have been introduced into the City's vehicle for hire market that are designed to provide a ride to an inebriated person while he rides as a passenger in his own vehicle, which concurrently is delivered to the location specified by the person; and

WHEREAS, designated driver operations differ from other vehicle for hire services

because the passenger rides in his own vehicle and, thus, the City's regulatory interest primarily is to ensure that the driver for hire meets the Driver's Permit minimum requirements; and

WHEREAS, the City strongly opposes drunk driving and, to the extent that designated driver operations reduce drunk driving, the City does not wish to discourage such operations; and

WHEREAS, a rational basis exists for not applying the same rate requirements to designated driver operations as to other vehicle for hire operations because designated driver operations require additional labor and involve the added service of delivering a customer's vehicle to a location; and

WHEREAS, transportation network companies, such as Uber and often referred to "rideshare" operations were introduced into the City's passenger vehicle market in early 2015, linking passengers with vehicles for hire offering rides for predetermined compensation through electronic networking applications; and

WHEREAS, transportation network vehicles may be ordered by smart phone applications; and

WHEREAS, a meter is unnecessary for a transportation network vehicle because the transportation network company requires the potential customer to accept the total ride fare or agree to an estimate prior to entering the transportation network vehicle and, thus, consumers are protected by the free market acceptance of an agreed upon price before the ride begins; and

WHEREAS, the Council wishes to regulate fares differently depending on whether a vehicle is operating as a transportation network vehicle or a traditional taxicab; and

WHEREAS, taxicabs will be required to continue charging a meter fare in compliance with the Code of Ordinances except that any vehicle with a taxicab vehicle permit may operate as a transportation network vehicle as long as the driver and are authorized by a licensed transportation network company and meet the minimum requirements of this Chapter; and

WHEREAS, a rational basis exists for allowing different fares depending on the manner in which a passenger contracts for service; and

WHEREAS, when a person uses a smartphone app to negotiate a price, the passenger and driver reach an agreement before the passenger enters the vehicle and the requirement that the fixed price be contracted electronically ensures the existence of a record of the agreement; and

WHEREAS, thus, in the event of a dispute, the combination of the pre-ride fixed price agreement, ability of GPS tracking, and the electronic record of the agreement protects consumers and, in contrast, when a consumer hails a Taxicab on the street or calls a taxicab by

telephone, the consumer is not similarly protected; and

WHEREAS, a rational basis exists for regulating vehicle appearance requirements differently for network vehicles and traditional taxicabs, because traditional taxicabs do not offer pre-arranged fares for rides, electronic driver information to be displayed prior and after completion of rides, or the GPS tracking of available vehicles; and

WHEREAS, on the other hand, transportation network companies are structured so as to permit a customer to request a ride through his smartphone application, the transportation network companies connects the customer to a particular driver, enables the customer to access the driver's and vehicle's information after selecting the driver and after the completion of the ride, provides the customer the ability to review and provide the network immediate feedback on that driver and vehicle, and payment is made by credit card directly through the application; and

WHEREAS, transportation network companies provide additional insurance and perform internal background checks and inspections on drivers which ensure that network drivers and network vehicles meet the safety standards of the City and allow injured parties to recover in the case of an accident; and

WHEREAS, the Council finds that the availability of fare, driver, and vehicle information digitally coupled with the increased insurance coverage and standards for drivers and vehicles justifies transportation network companies to be exempt from Divisions I and II of Article II of Chapter 24; and

WHEREAS, the Council finds that oversight over the transportation network companies operations by the Chief of Police and enforcement powers which allow the removal of a driver, vehicle or the revocation of a transportation network company's license will sufficiently allow transportation network companies to safely operate in the City; and

WHEREAS, the Council wishes to express its findings of fact and legislative intent developed during the prior and instant hearings on the subjects covered by this ordinance, and to summarize the legislative grounds upon which this law is made.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH,

SECTION 1. From and after the effective date of this ordinance, ARTICLES I and II of Chapter 24, VEHICLES FOR HIRE, of the Panama City Beach Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

ARTICLE I. - IN GENERAL

Sec. 24-1. Definitions.

As used in this Chapter:

(a) *Taxicab* shall mean a chauffeur-driven, passenger vehicle engaged in the business of transporting passengers for hire or other compensation, to persons not on regular schedules with the routes traveled or the destination determined by the passengers. Taxicabs generally provide service at all times to all parts of the City, base the fare charged the passenger on the use of the vehicle without regard to the number of passengers carried; determine the fare by a meter or other device that calculates miles or time traveled; and provide transportation services in an automobile, station wagon or van that is capable of comfortably seating at least four adult passengers up to a maximum of six adult passengers, including the driver.

(b) *Limousine* shall mean a chauffeur-driven passenger vehicle, built or modified for the purpose, leased, rented or charged upon for a minimum time period of one hour; with the fare determined on an hourly basis and not by a meter or mileage for the use of the vehicle; and which is pre-arranged or arranged through a third party. Limousine services may be provided in extended or longer than ordinary sedans or SUVs seating fifteen passengers or less including the driver; passenger vehicles recognized by the industry as full-size luxury passenger vehicles seating a maximum of eight passengers including the driver, including vintage or classic passenger vehicles; or full-sized, customized (not assembly-line produced) van type passenger vehicles outfitted with luxury amenities, as recognized by the industry.

(c) *Shuttle* shall mean a chauffeur-driven passenger vehicle engaging in the transportation of passengers for hire with the intent to receive compensation for transporting such passengers from predetermined points of origin within the corporate limits of the City to any destination; with the fare determined on a per capita basis and not by a meter or mileage; and whose transportation services are generally provided in vans with a minimum seating capacity of seven persons and a maximum capacity of fifteen persons, including the driver. Shuttles may or may not be pre-arranged or arranged through a third party.

(d) *Driver* shall mean any person who has been issued a Driver's Permit pursuant to this Chapter to operate a vehicle for hire within the city limits of the City of Panama City Beach.

(e) *Owner or Applicant* shall mean any every company, business proprietor or individual agent, employee or person acting on behalf of such company or business, who makes application to the City for a vehicle for hire permit or a driver permit to operate a vehicle for hire within the city limits of the City of Panama City Beach.

(f) *Vehicle for hire* shall mean any passenger vehicle engaged in the transportation of persons from or entirely within the corporate limits of the City of Panama City Beach with the intent to receive direct or indirect compensation for providing such transportation, including providers which only accept gratuities or tips.

~~(g) *Permit* shall mean Driver's Permit or Vehicle Permit.~~

(g) *Transportation Network Company* means a corporation, partnership, sole proprietorship, or other entity that uses digital network to connect passengers to transportation network company drivers who provide prearranged rides.

(h) *Transportation Network Company vehicle* means a vehicle that is owned, leased, or otherwise authorized for use by a transportation network company driver and is not a taxicab, limousine, or other vehicle for hire.

(i) *Digital Network* means any online-enabled application, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(j) Prearranged ride means the provision of transportation by a driver to a passenger, beginning when a driver accepts a ride requested by a passenger through a digital network controlled by a transportation network company, continuing while the driver transports a requesting passenger, and ending when the last requesting passenger departs from the transportation network company vehicle. A prearranged ride may include rides among multiple transportation network passengers who consent to share the ride in whole or in part. A prearranged ride does not include transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to; or

(B) shared expense carpool or vanpool arrangements.

(k) Designated driver operation means a transportation company or business that goes to a customer and the customer's vehicle and then drives the customer's vehicle to the location specified by the customer while the customer rides as a passenger in his own vehicle.

24-2. Purpose and Intent.

The City Council recognizes that the operation of private vehicles for hire may significantly impact public safety and an economy that is strongly dependent on them for tourism. Therefore, it is necessary to regulate private transportation services provided to the general public.

Secs. 24-3--24-14. Reserved.

ARTICLE II. TAXICABS, LIMOUSINES AND SHUTTLES

DIVISION 1. GENERALLY

Sec. 24-15. Vehicle Permit required.

(a) It shall be unlawful for any owner or operator of a taxicab, limousine or shuttle to operate or allow to be operated such vehicle for hire within the city unless:

(1) Such operation is pursuant to a valid and current vehicle permit issued to the owner of that vehicle pursuant to this section by the Chief of Police or his designee upon payment of a permit fee in the amount of \$100.00 or \$25.00 for each vehicle, whichever is greater, and the furnishing of:

(i) A copy of the certificate of title and the certificate of registration of every vehicle to be operated under the permit bearing the owner or business name. No lease vehicles bearing rental companies as owners will be permitted; and

(ii) A sworn Affidavit of Compliance Form from the owner of the vehicle and notarized by the Chief of Police or his designee that the owner is familiar, and will comply, with the provisions of this chapter; and

(iii) A certificate or policy of the insurance required for such vehicle by this chapter; and

(iv) A copy of the rate card to be posted in a conspicuous location in the vehicle, which card complies with this chapter; and

(v) Application from the Panama City Beach Police Department approved by the Chief of Police. The application shall contain all of the following information:

1. the name of the applicant;
2. the name of the applicant's business and trade name under which the business will operate;

3. if the business is to be a partnership, whether general or limited, the partnership instrument or certified copy thereof, and the business address of the partnership;
4. if the business is a corporation, the certificate of incorporation or certified copies thereof, and the business address of the corporation;
5. if the business is to be conducted under another name than that of the applicant, a copy of the fictitious name certificate, if required;
6. applicant's business location;
7. applicant's business mailing address;
8. applicant's business phone number;
9. applicant's home address and home phone number;
10. the number and type of permits requested;
11. the seating capacity, make, model, year of manufacture, mileage, equipment and amenities for each vehicle to be permitted;
12. any other information required, as deemed appropriate by the Chief

of Police; and

(vi) proof of current occupational license(s) including a business tax receipt issued by the City of Panama City Beach, or if the business is not based in the City of Panama City Beach, the business tax receipt from the city or county in which the business is based.

Vehicle permits shall be issued only to the owner of the vehicle and are not transferrable. The term for all vehicle permits issued pursuant to this section shall begin on January 1st and expire on December 31st of the applicable year. Permit fees shall not be prorated.

(2) Such vehicle has passed an inspection conducted by the Police Department certifying that the vehicle meets minimum safety and equipment standards set forth in section 24-23 and appearance standards set forth in Section 24-20. Every vehicle permit holder shall repair or replace any equipment or parts of the vehicle found as a result of the inspection to be worn out, defective, or creating a safety hazard.

(3) If the vehicle to be permitted is a taxicab, such taxicab is equipped with a mechanical or electronic device for registering the fare to be charged. Each taxicab meter shall be inspected and approved by the Chief of Police or his designee.

(4) A copy of the valid and current vehicle permit issued under this section is permanently affixed in the upper left or lower left rear window of that vehicle; and

(5) Such operation is in full compliance with this chapter.

(b) Violation of any provision of this chapter by the owner or operator of a taxicab, limousine or shuttle shall constitute grounds to suspend or revoke the vehicle permit to operate taxicabs, limousines or shuttles within the city.

(c) Whenever there is reasonable cause to believe that there may be grounds to suspend or revoke the vehicle permit to operate taxicabs, limousines or shuttles within the city, the City Manager or his designee shall serve notice by certified mail or hand delivery to the owner of the taxicabs, limousines or shuttles indicated on the vehicle permit application. Such notice shall require the owner or its designee to contact the City Manager or his designee to arrange an informal hearing to be held within forty-eight (48) hours. If the owner does not arrange such hearing and the forty-eight (48) hour time period expires, the right to such informal hearing is waived. After the informal hearing is held or waived, the City Manager or his designee shall suspend the vehicle permit, revoke the vehicle permit or take no action on the vehicle permit. If the vehicle permit is suspended or revoked, such action takes effect upon receipt of notice by certified mail or hand delivery to the owner or the person representing the owner during the informal hearing.

(d) Any owner whose vehicle permit is revoked or suspended by the City Manager or his designee may appeal such decision to the City Council. Such appeal shall be taken by filing written notice with the City Manager within five (5) days after the decision of the City Manager or his designee. Notice of the appeal shall contain the grounds for appeal. The City Council shall hear the appeal, de novo, at its earliest reasonable opportunity. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation. An unfavorable decision by the City Council may only be reviewed by writ of certiorari in the Circuit Court.

(e) It shall be the responsibility of the vehicle permit holder to remove and surrender to the Chief of Police, all permits from vehicles should they be wrecked, traded or cease to operate as a taxicab, limousine or shuttle within the City.

(f) The operation of all taxicabs, limousines or shuttles shall be in full compliance with this chapter and Florida State Statute 316.610, and the Chief of Police or his designee reserves the right to spot check vehicles at any time for violations of state and local law.

Sec. 24-16. Occupational license required.

No person shall operate a taxicab, limousine or shuttle business out of a permanent business location or branch office within the city without first paying the occupational license tax set forth in section 14-29(198), and thereby receiving an occupational license therefor.

Sec. 24-17. Liability insurance required of owner.

No vehicle permit shall be issued or continued in effect to operate any taxicab, limousine, or shuttle within the city unless the vehicle permit holder possesses, in full force and effect, public liability insurance and property damage insurance issued by an insurance company who is authorized to do business as such in the State of Florida, covering each taxicab, limousine or shuttle to be operated under the permit and covering the owner and driver thereof. The coverage for each such vehicle, including the driver, shall be issued, at a minimum, in the amounts of:

(a) 1. ~~\$100,000~~ \$125,000 because of bodily injury to, or death of, one person in any accident;

2. Subject to such limits for one person, in the amount of ~~\$300,000~~ \$250,000 because of bodily injury to or death of, two or more persons in any one accident; and

3. In the amount of \$50,000 because of injury to, or destruction of, property of others in any one accident; or

~~(b) A sum of not less than \$300,000 for a policy of insurance providing for bodily liability and property damage liability.~~

The policy shall name the city as an additional insured and contain a provision that neither the policy nor any provision thereof may be cancelled without giving the city at least ten (10) days written notice of cancellation. A certificate or policy in proof of which shall be filed with the Chief of Police or his designee before the permit is issued.

State Law References: Minimum insurance required, Section ~~324.024~~ 324.032; Definition of "commercial motor vehicle", Section 627.732; Liability insurance coverages, Section 627.742.

Sec. 24-18. Rate cards to be posted.

No person shall operate a taxicab, limousine or shuttle within the city unless there is displayed therein in a conspicuous manner in full view of the passengers of the taxicab, limousine or shuttle a printed and clearly legible rate card listing the amount and manner of calculating all rates to be charged.

Sec. 24-19. Display of state license, city driver's permit required.

No person shall operate a taxicab, limousine, shuttle within the city unless there is displayed

therein in a conspicuous manner in full view of the passengers of the taxicab, limousine, or shuttle valid and current state required license and a valid and current city driver's permit for such person.

Sec. 24-20. Vehicle color design; identification; signs.

(a) Every taxicab, limousine or shuttle operated in the city shall bear the owner's trade name, monogram or insignia, together with a company vehicle number and the owner's telephone number permanently affixed upon the exterior metal portion or window area on each side of the taxicab, limousine or shuttle and the company vehicle number and owner's telephone number permanently affixed on the outside rear panel of the taxicab, limousine or shuttle. All lettering required in this subsection shall be not less than two and one-quarter (2-1/4) inches in height and not less than five-sixteenths inch stroke.

(b) Limousines are exempt from Section 24-20(a) if the sole purpose of the limousine is engaging in private or contracted, predetermined transportation of persons for hire and the limousine is not used as a taxicab or shuttle. The limousine shall have affixed to the front license plate bracket the name or monogram bearing the owner's trade name.

(c) All taxicabs, limousines or shuttles permitted and operated in the City shall be mechanically sound with well-maintained paint and must be maintained inside with a clean and professional appearance.

(d) It shall be unlawful for any person soliciting patronage from any taxicab, limousine or shuttle to represent by word, sign or insignia that the vehicle for which he is soliciting such patronage is a vehicle owned or operated by anyone other than the actual owner thereof.

Sec. 24-21. Daily manifests required; preservation.

(a) The owner of every taxicab, and limousine, and shuttle, and drivers for designated driver operations operated within the City shall maintain or cause to be maintained, and safely preserve for at least one year a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip, number of passengers and amount of fare. The forms for each such manifest shall be approved by the Chief of Police. An online, digital or electronic manifest accessible from the vehicle, such as a manifest maintained by a smart phone app, meets the requirements of this paragraph.

(b) The owner of every taxicab, and limousine, and shuttle, and drivers for designated driver operations operated within the City shall make such manifests available to the City Manager and the Chief of Police or his designee upon request.

Sec. 24-22. Rates generally.

The Panama City Beach City Council may by resolution set and adjust rates and charges for transportation of persons and their baggage within the corporate limits of the City.

Sec. 24-23. Vehicle Safety and Equipment Standards.

Every Vehicle-for-Hire, including transportation network company vehicles, shall meet the following minimum safety and equipment standards:

(1) *Tires.* Tires shall be of the size appropriate for the Vehicle-for-Hire and with no mismatched tires. There shall be no cuts into the tire cord or sidewall area or localized worn spots that expose the ply. No tire is permitted with less than 2/32 inches remaining when measured in any two (2) grooves at three (3) equally spaced intervals around the circumference of the tire, or when the tire has tread wear indicators that are visible.

(2) *Operational Horn.* The Vehicle-for-Hire shall be equipped with an operational horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.

(3) *Windows.* The windshield, side and rear windows shall operate as designed and be assembled with no breakage, cracks or pits that may impair visibility or hinder the safety of passengers. No windows on Vehicles-for-Hire shall be composed of, covered by, or treated with, any material which would cause the vehicle to be in violation of Florida Statutes § 316.295.

(4) *Doors.* All doors must have operating handles that allow opening from the inside and outside. Handles, knobs and armrests are to be free of breaks and must be securely mounted. Door hinges and hold stops must function correctly. Door seals and gaskets must be intact and operating to seal water and odors from entering the passenger compartment from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.

(5) *Interior Condition.*

(a) *General Condition.* All standard interior equipment shall be complete and intact, including, but not limited to interior lights, headliner, dashboard, head rests, window cranks, and gear shifts.

(b) *Seat Condition.* Seat covers shall be permanently attached or fixed to all seats in the Vehicle-for-Hire, and have no exposed wire or sharp edges either from metal or hardened vinyl. The rear seat must be of a type, size and mounting approved by the vehicle manufacturer. No broken springs, sagging or horizontal slippage is allowable in any seat.

(c) *Floor Condition.* Floor covering material shall be secure and contain no rips or loose folds. The floor board of the Vehicle-for-Hire shall be free of rust and holes.

(d) *Loose Objects.* No loose or moving objects or externally mounted speakers shall be placed on the deck behind the rear seat, or on the front dash board. No decorations or other objects will be permitted to hang from permanently mounted fixtures in a Vehicle-for-Hire.

(6) *Seat Belts.* Each Vehicle-for-Hire shall have seat belts available for passengers in all seats except jump seats, spaces designed to accommodate wheelchairs or where the seat belts are not required by law. Seat belts shall be provided in operating condition and easily accessible by all passengers. Seat belts shall also be clean and free of grease and other objectionable substances. For the purpose of this section, seat belts which are placed under the seat or between the lower and upper portions of the seat are deemed not easily accessible.

(7) *Windshield Wipers.* Each Vehicle-for-Hire shall have standard operational windshield wipers for the entire front windshield which shall be controlled electronically or by vacuum and operated from the interior of the Vehicle-for-Hire. The wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or badly worn.

(8) *Brakes.* Each Vehicle-for-Hire shall contain an operational parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, wheel cylinder or any part of the brake system and no frayed cables. All primary brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method" and with the Vehicle-for-Hire operating at a speed of at least twenty (20) miles per hour. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch. Brake linings and/or pads shall also be firmly attached to the brake shoe and/or disk coupler. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface.

(9) *Headlights, Turn Signals, Brake Lights and Tail Lamps.* Every Vehicle-for-Hire shall be equipped with operational State of Florida-approved headlights, and turn indicating lamps or devices on the front and rear of the vehicle and a foot brake activated stop light on the rear of the Vehicle. Each Vehicle-for-Hire shall also have a tail lamp so situated on the vehicle as to illuminate the rear license plate with a white light and render it clearly legible.

(10) *Steering Mechanisms.* Steering mechanisms shall neither be worn or jammed, nor shall there be more than two (2) inches play to the left or right of center, measured at the steering wheel rim with the road wheels in a straight ahead position, on wheels up to eighteen (18) inches in diameter, or three (3) inches of play on wheels over eighteen (18) inches.

(11) *Exhaust Systems.* There shall be no leakage of exhaust gas at the manifold gasket, manifold and exhaust line gasket, muffler and muffler connections or at any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear or sides of the passenger and luggage compartment. No part of the exhaust system shall pass through or leak into the part of the Vehicle-for-Hire occupied by passengers, as determined by visual inspection.

(12) *Air Conditioning and Heating.* Every Vehicle-for-Hire, except for Residential Shuttles, shall be equipped with an adequately operating air conditioning and heating system, and windshield defrost or defogging system, which controls the temperature of the interior of the vehicle between 68 and 78 degrees Fahrenheit.

Secs. 24-30--24-35. Reserved.

DIVISION 2. DRIVER'S PERMIT

Sec. 24-36. Required; state driver's license prerequisite to issuance thereof.

(a) No person shall operate a taxicab, limousine, or shuttle upon the streets of the city, and no person who owns or controls any such vehicle shall permit it to be so driven, and no such vehicle permitted by the city shall be so driven unless the driver thereof shall have first obtained and shall have then in force a valid driver's permit issued by the city.

(b) No driver's permit shall be issued by the city to the driver of any taxicab, limousine, or shuttle, or designated driver operation until any such driver demonstrates possession of a valid state of Florida's driver's license.

(Code 1973, § 24-9; Ord. No. 442, § 1, 3-23-95; Ord. No. 1194, § 1, 1-13-2011)

Sec. 24-37. Application.

(a) Any person being eighteen years of age or older may apply to the city for a driver's permit to operate a taxicab, limousine, or shuttle, by first paying an application fee of \$10.00 and filing with the police department, upon forms approved and supplied by the Chief of Police, an application containing the following information:

(1) The applicant's name, address, date of birth, phone number, social security number, race, sex, weight, hair color, eye color and any aliases or former legal names used during the preceding five years of applicant;

(2) A copy of the applicant's social security card;

(3) the name, address and phone number of the vehicle permit holder, if applicable, for which the applicant is working or intends to work;

(4) A listing of the applicant's convictions, if any, in the courts of any state of the United States or in any United States court. This will be obtained from the Florida Department of Law Enforcement by the Police Department, and the applicant is responsible for all fees necessary to obtain this criminal history check from the Florida Department of Law Enforcement prior to filing the application; ;

(5) The "Endorsement of Owner for the Driver Form" provided by the Police Department, must be completed and notarized by the owner by whom he is to be employed as a driver;

(6) Information regarding the health, mentality, character and experience of the

applicant as may be necessary or desirable to enable the chief of police to ascertain the applicant's qualifications, this will include a current drug screen; and

(7) A color copy of the applicant's current and valid driver license issued by the State of Florida. All applicants must provide a three year driving history if from the State of Florida. All applicants coming from other states must provide a three year driving history from that state and a current and valid Florida driver's license. Temporary Florida Driver's License will not be accepted;

(8) Such other information as the Chief of Police shall deem necessary to implement this chapter.

(b) The applicant must sign a "Driver Affidavit of Compliance Form" provided by the Police Department acknowledging that he or she has received a copy, read, understands and agrees to comply with the provisions of this chapter ~~relating to taxicabs, limousines, and shuttles~~ and submit that statement with the application.

(c) Upon filing the application, the applicant must be photographed by the police department.

Sec. 24-38. Persons eligible.

(a) No driver's permit shall be issued pursuant to this article to any applicant who is not of good moral character.

(b) The phrase "good moral character" shall be construed to mean the propensity on the part of the applicant to serve the public in the city in a fair, honest and open manner.

(c) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself as proof of an applicant's lack of good moral character. It may be used as evidence in the determination, and when so used the applicant shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability to, and is likely to serve the public in a fair, honest and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to driving taxicabs, limousines or shuttles.

(d) The following criminal records shall not be used, examined or requested by the city in a determination of good moral character:

(1) Records of an arrest not followed by a conviction;

(2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;

(3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the applicant's likelihood to serve the public in a fair, honest and open manner; or

(4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(e) A driver's permit shall not be issued if the applicant, within the 5 years immediately preceding application, has been convicted of, or had adjudication withheld on, or have pending charges for, any of the following:

(1) Driving under the influence of drugs or alcohol

(2) Vehicular manslaughter;

(3) Reckless driving;

(4) Murder, manslaughter, armed robbery, assault with a deadly weapon, aggravated assault;

(5) Any crime which is designated a felony;

(6) Any crime involving the sale of a controlled substance as defined by Section 893.03, Florida Statute;

(7) The Florida RICO act;

(8) Exposure of the sexual organs and any crime under Chapter 796 or

(9) "Prostitution" as defined in Chapter 796, pertaining to prostitution or assignation or loitering for prostitution.

(f) If an applicant is found to be unqualified for a license because of a lack of good moral character, or similar criteria, he shall be furnished by the police department with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The applicant shall be entitled, as of right, to a rehearing on the issue before the police department if he has relevant evidence not previously considered regarding his qualifications.

Sec. 24-39. Issuance.

(a) The chief of police shall, upon consideration of the application, and after investigation thereof, approve or reject the application, based on the applicant's eligibility under section 24-38. Upon the approval of an application, the chief of police or his designee shall issue a driver's permit to the applicant which shall bear the name and photograph of the applicant, date of expiration of the permit and the name of the owner or Company for which the driver is authorized to operate a vehicle for hire subject to this article. Any such permit shall be valid only so long as the driver continues in the employment of such owner. Upon the changing of the driver's employment, the driver shall immediately give the Chief of Police or his designee notice, in person and the new employing owner shall complete a new affidavit of compliance form for said driver.

(b) Upon the termination of the driver's employment, the owner by whom the driver has been employed shall immediately give the chief of police written notice of the termination and the reasons therefor, and shall forthwith surrender the terminated employee's driver's "Endorsement of Owner for Driver form" relieving said owner of responsibility for said driver. The Chief of Police or his designee will make contact with said driver and a determination will be made if the permit will remain valid or invalid.

(c) Permits shall be issued only to the applicant and are not transferrable. Each permit shall expire on the December 31 next following issuance, regardless of the date of issuance.

Sec. 24-40. Revocation or suspension.

(a) A ~~taxicab, limousine or shuttle~~ driver's permit may be suspended by the Chief of Police for a period of not more than ten (10) days, or revoked by the Chief of Police for any of the following reasons and for other proper reasons:

- (1) Proof that the permittee is not of good moral character, as defined in section 24-38(b), has been convicted of a felony, or addicted to the use of narcotics or intoxicants;
- (2) Suspension or revocation of his state operator's or chauffeur's license;
- (3) Proof that the permittee has been convicted of three (3) or more misdemeanors within the preceding year;
- (4) Proof that the permittee is a poor or reckless driver;
- (5) Proof that information on the driver's permit application is false;
- (6) Failure to conspicuously display the driver's permit in the taxicab, limousine, or shuttle while the taxicab, limousine or shuttle is in operation; or
- (7) Violation of any of the provisions of this chapter.

(b) Notice of any such suspension or revocation shall be sent to the permittee and to his employer, together with the reason for the action taken, and suspension or revocation shall become effective immediately upon delivery of the notice. The permittee shall have the right to demand a public hearing before the city council upon such suspension or revocation. The person whose permit was revoked shall not operate a taxicab, limousine, tour bus or tram, within the city unless the city council shall vote at a public hearing to rescind the revocation or unless a new permit shall subsequently be issued to him. No refund of permit shall be given to a person whose driver's permit has been suspended or revoked.

Sec. 24-41. Working hours for drivers; log required.

It shall be unlawful for the operator of a taxicab, limousine, or shuttle, transportation network company vehicle, or driver in a designated driver operation within the City to operate any ~~taxicab, limousine or shuttle, or both~~ combination of vehicles for hire for more than twelve (12) hours within any twenty-four-hour period. Each operator of a taxicab, limousine, or shuttle, transportation network company vehicle, or person driving as part of a designated driver operation within the city shall at all times keep about his or her person or be able to provide sufficient documentation within 48 hours a driver's log showing hours of operation and identifying the taxicab, limousine or shuttle operated for a period of at least four weeks prior to the present time. An online, digital or electronic log accessible from the vehicle, such as a log maintained by a smart phone app, meets the requirements of this paragraph.

Sec. 24-42. Property left in taxicabs, limousines or shuttles.

All drivers of taxicabs, limousines or shuttles shall promptly deliver to the police department all property left in their vehicles by passengers. When articles left in any such vehicles are delivered to the police department, the police officer on duty shall make an entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, or disposed of pursuant to resolution of the city council.

Section 24-43. Receipts.

Drivers, including transportation network company drivers, must furnish receipts to passengers upon request. An online, digital or electronic receipt that is sent to the customer within 24 hours of the completion of the customer's trip meets the requirements of this paragraph.

Sec. 24-44. Failure to pay fare.

It shall be unlawful for any passenger, customer or patron using the service of a vehicle for hire to fail or refuse to pay the lawful charge or rate therefor upon request of the operator of such vehicles for hire after the use of such vehicle for hire. (Statutory reference: 817.52(2))

Sec. 24-45. Passengers to be received, discharged on sidewalk or at curb.

Drivers of vehicles for hire shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk, or the extreme side of the roadway in the absence of a sidewalk.

Sec. 24-46. Destroying, defacing or altering.

It shall be unlawful for any person holding a driver's permit to willfully alter, deface, obliterate or destroy the same or to cause or permit it to be altered, defaced, obliterated or destroyed.

Sec. 24-47. Use of tobacco.

It shall be unlawful for the driver of any vehicle for hire operated within the City upon the public streets of the City to use any tobacco products while the vehicle is occupied by a passenger.

Sec. 24-47.5. Inapplicability to transportation network companies, transportation network company vehicles, and designated driver operations.

Unless expressly stated elsewhere in this Chapter, Divisions I and II of Article II shall not apply to transportation network companies, transportation network company vehicles, transportation network company drivers, and designated driver operations.

State law references: Municipal authority to regulate taxicabs, F.S. § 323.054.

DIVISION III – Transportation Network Companies

Sec. 24-48. Transportation Network Company License

It shall be unlawful for any Transportation Network Company to provide vehicle for hire service within the corporate limits of the City without obtaining an annual license issued by the Chief of Police. A company shall pay the annual license fee set by resolution of the City Council at the time of application for the license and thereafter each year. A company license is valid until 11:59 p.m. (CST) December 31 of the year of issuance regardless of the date of issuance and is non-transferable.

Sec. 24-49. Minimum Requirements for Approval – (a) In order to qualify for a transportation network company license an entity must meet the following requirements.

(1) use a digital network to connect passengers with transportation network company drivers ;

(2) provide to the passenger before the passenger enters the vehicle, through the transportation network company’s digital network or website, the transportation network company driver’s name, the transportation network company vehicle’s license plate number; and make and model of the transportation network company vehicle ;

(3) provide to the passenger, through the transportation network company’s digital network or website, the means to make a complaint about a transportation network company driver; and

(4) disclose to the passenger the fare or fare calculation method on the transportation network company’s digital network before the beginning of the prearranged ride. If the fare is not disclosed to the passenger before the beginning of the rearranged ride, the passenger must have the option to receive an estimated fare before beginning the prearranged ride.

(b) The Chief of Police shall issue a license to a transportation network company that meets the requirements of this article(c) whose minimum company standards have been reviewed and approved by the Chief of Police and are confirmed to be in compliance with this section. The Chief of Police shall inform the City Council upon approval of any transportation network company.

Sec. 24-49.5. Transportation Network Company Insurance.

(a) A transportation network company driver or transportation network company on the driver’s behalf shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver or otherwise uses a transportation network company vehicle to transport passengers for compensation and covers the driver:

(1) While the driver is logged on to the transportation network company’s digital network; or

(2) While the driver is engaged in a prearranged ride.

(b) The following automobile insurance requirements shall apply:

(1) Primary automobile liability insurance in the amount of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage while a transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride.

(2) Primary automobile liability insurance that provides at least \$1,000,000 for death, bodily injury and property damage while a transportation network company driver is engaged in a prearranged ride.

(3) The coverage requirements of this subparagraph (b) may be satisfied by any of the following:

(A) Automobile insurance maintained by the transportation network company driver;

(B) Automobile insurance maintained by the transportation network company; or

(C) Any combination of subparagraphs (A) and (B).

Sec. 24-51. Application for Approved Transportation Network Company License

(a) Application for the issuance or renewal of a transportation network company license shall be made in writing to the Chief of Police on a form provided by the Chief of Police and signed and sworn to by the owner or by its authorized agent. Each application for issuance or renewal of a transportation network company license shall include:

(1) Proof of the insurance in full force and effect that the company provides its drivers with the insurance required by section 24-49.5;

(2) Information on the third party provider(s) responsible for completion of driver background checks and vehicle inspections as required in section 24-52.

(3) The transportation network company's entity name, business address, business email address and business telephone number; the date and state of formation; and proof of active status with the Florida Division of Corporations authorizing it to do business under the laws of the State of Florida.

(4) The name, mailing, physical and email addresses and telephone number with 24 hour per day 7 day per week availability of a natural person(s) located within the State of Florida that the company has authorized to be its agent and a point of contact for the City with regards to:

a. Filing applications and paying rates and charges on behalf of the company; and

b. Receiving and accepting all legal process, correspondence and notices from the City pertaining to the company or transportation network drivers operating for the company.

c. Providing emergency service to the VFH administrator and law enforcement in order to address problems and emergencies that arise concerning drivers and vehicles.

(5) An illustration of the distinctive company signage that will be displayed on its vehicles for hire as required by section 24-53.

(6) Such other information as may be reasonably required by the Chief of Police for purposes of administration and enforcement of this article.

(7) Proof that the network company's online platform capabilities conform with the requirements of section 24-49.

(b) If the applicant knowingly provides false statements of material facts or information on the license application, the applicant will automatically be denied the company license and will be ineligible for a company license for a period of five years. If the company license has been issued prior to the discovery of the false statements or information, the company license shall be revoked and the company will be ineligible for a company license for a period of five years.

(c) As a condition of maintaining its company license, each company:

(1) Shall keep accurate records of the company vehicle for hire operations for a minimum of three years. Such records shall be submitted or made available for inspection or audit as required in section 24-59.

(2) Shall notify the Chief of Police in writing within 15 days of any change to the information provided in the license application.

(3) Shall not employ or contract with any driver who does not have a valid driver authorization issued by the company.

(4) Shall inform each driver of the driver's obligation to comply with this article.

(5) Shall on its website or digital network provide passengers with a phone number provided by the Chief of Police where the passenger may file a complaint regarding a potential criminal act or violation of this article.

(6) Shall immediately temporarily suspend the authorization of a transportation network company driver at the request of the Chief of Police. The Chief of Police shall only have the authority to request suspension if there is evidence that a driver poses a threat to the health, safety or welfare of the public. Upon suspension, the company shall investigate the driver. In response to a specific complaint against any transportation network driver, the Chief of Police is authorized to inspect records necessary to investigate and resolve the complaint. Any records furnished to the Chief of Police may exclude information that would tend to identify specific drivers or passengers unless such identities are necessary to resolve the complaint. If the company re-instates the authorization of a driver, it shall demonstrate good cause for doing so.

(7) Shall comply with this chapter at all times the transportation network company provides vehicle for hire services within the City.

Sec. 24-51.5 - License, verification and issuance.

Upon receipt of an application for the issuance or renewal of an approved transportation network company license, the Chief of Police may verify all information provided in the application for compliance with all applicable provisions of this article. The City will issue a company license if the company has met the requirements set forth in this chapter and has paid the company license fee as set by resolution of the City Council.

Sec. 24-52. - Company issued driver authorization.

(a) Prior to operating a transportation network company vehicle within the City, each transportation network driver is required to obtain an annual driver authorization from the transportation network company. The transportation network company shall not issue a driver authorization, either initially or upon renewal, unless the company has verified that the driver and vehicle meet all of the requirements of this section. If the company issues a driver authorization and later determines the driver does not meet the requirements, the company shall immediately revoke the driver authorization and suspend the driver from operating a network vehicle for the company.

(1) Minimum Network Driver requirements:

- a. The driver must meet possesses a valid Florida driver's license or a valid driver's license issued by another state, if the driver is not otherwise required to obtain a Florida driver's license;
- b. The driver is at least 21 years old;
- c. The driver has a minimum of one year experience operating a motor vehicle;
- d. The driver possesses motor vehicle liability insurance as required by Florida law;
- e. The background check obtained by the company covers the preceding seven years and shows that:
 - 1. The driver has not been convicted, pled nolo contendere, nor had adjudication withheld for any violent or forcible felony or sexual battery in the last seven years.
 - 2. The driver has not been convicted, pled nolo contendere, or had adjudication withheld, within the last seven years, for any felony or misdemeanor for driving under the influence of drugs or alcohol, reckless driving, leaving the scene of an accident, or any violent crime or any sexually-related offense.
 - 3. The driver is not under any form of community control, probation or under any status as a sex offender in any state.
 - 4. The driver has not been convicted, pled nolo contendere, nor had adjudication withheld in the last seven years for any of the following offenses: leaving the scene of an accident, driving under the influence of an alcoholic beverage or drug, reckless or careless driving.
- f. The driving history check obtained by the company covers the preceding three years and shows that:
 - 1. The driver has not been convicted, pled nolo contendere, nor had adjudication withheld in the last three years for driving with a suspended license, or had more than three (3) moving violations.
 - 2. The driver has not been cited for more than three (3) moving violations or at-fault accidents within the last three (3) years.
- g. The driver self-certifies that he or she does not have a physical or mental disability that would prevent him/her from safely operating a network vehicle and performing the normal duties of a network vehicle driver.

(2) Minimum Network Vehicle Requirements:

- a. By no later than 45 days after a transportation network company vehicle has begun providing service, the vehicle must be inspected, and shall be inspected annually thereafter, which inspection, shall at a minimum, evaluate and confirm the working condition of the vehicle's brake system, lights, steering, suspension, tires, and seat belts and any other requirements of section 24-23 of this Chapter.
- b. The vehicle is free of major interior or exterior damage.

- c. The vehicle is not older than 15 model years.

Sec. 24-53. Transportation Network Company Driver Display of Authorization.

- (a) Each transportation network company driver shall display, in the vehicle in a printed format readily visible to a person of average visual acuity sitting in the rear passenger seat or electronically on the transportation network company's digital network visible to the passenger during a transportation network company vehicle ride, a photograph of the driver and the driver's first name, the license plate number of the transportation network company vehicle that the driver is authorized to operate, and the make and model of the vehicle. The driver shall present his or her authorization upon request to any customer or law enforcement officer.
- (b) The driver shall maintain complete documentation of the current inspection in the transportation network vehicle at all times and shall provide a copy of such documentation to the Chief of Police or other law enforcement officer upon request..
- (c) Each transportation network company vehicle shall display consistent and distinctive signage at all times while engaged in transportation network company vehicle for hire services. The distinctive signage shall be consistent with the current signage submitted by the company and sufficiently large and color contrasted so that it is readable during daylight hours at a distance of at least 50 feet; and reflective, illuminated or otherwise patently visible so as to be seen sufficiently at all times from a distance of at least 50 feet.

Sec. 24-54. - Operating regulations.

- (a) In addition to all other applicable legal requirements, it shall be unlawful for any person:
- (1) To operate a transportation network company vehicle without a valid company issued driver authorization;
 - (2) To operate, or cause to be operated, a transportation network company vehicle in any area where the operation of such vehicle is prohibited by an applicable law; or
 - (3) To operate, or cause to be operated, a transportation network company vehicle that does not meet the requirements of this chapter.
- (b) A transportation network company driver shall at all times carry in the network proof of the insurance required by Florida law and this chapter, which proof may be electronic.
- (c) Transportation network company drivers shall not provide false information to or refuse to obey or to comply with any lawful order or direction of the Chief of Police, law enforcement officer, or traffic-control officer.
- (d) No transportation network company vehicle shall be parked on any public way for a time longer than is reasonably necessary to board passengers.

Sec. 24-55. - Enforcement, rules and regulations, complaints.

- (a) The Chief of Police is authorized to enforce this chapter, and to adopt policies for the proper administration and enforcement of this chapter.
- (b) The Chief of Police or other law enforcement officer has the authority to place a transportation network company vehicle out of service if it is deemed unsafe or hazardous, until a mechanic or technician who works for a facility that is registered or licensed by a state corrects the condition or certifies that the unsafe or hazardous condition has been corrected.

(c) In addition to all other powers and remedies provided by law, the Chief of Police or a law enforcement officer shall have the right to inspect the company records as necessary to investigate and resolve a complaint received or when the Chief of Police or the law enforcement officer has a reasonable suspicion of a violation of law or of this chapter. The company shall respond to requests for records pursuant to this section within 48 hours of receipt of the request.

(e) Not more frequently than annually, the Chief of Police or his designee shall have the right to audit a random sample of the records of the company operations including, but not limited to, driver lists, driver background checks, and vehicle inspections, for purposes of verifying compliance with this chapter. Upon request by the Chief of Police or his designee, the company shall make records available for audit within 15 business days.

(f) The audits conducted by the Chief of Police or his designee shall take place at the company's local place of business or a mutually agreed upon location. The company may redact personally identifiable information of its drivers and passengers except as necessary under section 24-24-51(c)(6) or that does not otherwise hinder the City's ability to determine compliance with this Chapter. The City shall cooperate with the company to protect trade secrets as allowed by Florida law.

Sec. 24-55.5. – Violations, Penalties, License revocation.

(a) Violations of the provisions of this chapter by a company or driver may be enforced by a suspension or revocation of any company license issued hereunder, by enforcement under Chapter 25 of City of Panama City Beach Code of Ordinances, or by any other legal remedy available. Each violation shall be deemed a separate and distinct offense and shall be penalized as a separate and distinct offense.

(b) The City may revoke the company license which grants the privilege of any company to conduct vehicle for hire services on any of the following grounds:

(1) If the company fails to follow any requirements of this chapter;

(2) If the original application or any other required documentation are found to contain any false statements of material fact; or

(3) If the company fails to pay any fees or fines as specified in this chapter or by resolution of the City Council.

(c) A company license may be revoked for acts of a driver in violation of this section if the company fails to take the action requested by the City with respect to the driver violations, including and up to, the company revoking the driver's authorization issued by the company. In instances where a company had knowledge of a violation and took corrective action on its own or as requested by the City, the company shall maintain written documentation of such actions for a minimum period of one year from the date that the corrective action was taken.

(d) When revocation of a driver's authorization is requested by the City with good cause, the company shall immediately revoke the authorization of the requested driver. If a transportation network company requests the City to reauthorize a drive whose access to the digital network was previously revoked, the transportation network company shall provide evidence in support of the reauthorization to the Chief of Police. No revoked driver shall be reauthorized without consent by the Chief of Police, which consent shall not be unreasonably withheld.

(e) The procedure for revoking a company license is as follows:

(1) The Chief of Police shall provide written notice to the company by hand delivery or by sending the notice certified or registered mail at least 30 calendar days prior to the effective date of the revocation. The written notice shall contain notice that the company may contest the revocation by requesting a hearing as

provided below. Service shall be mailed to or hand delivered to the person authorized by the company as its agent in its registration with the City.

(2) The company may file a written request for a hearing prior to the effective date of the revocation with the City Manager or his designee. Failure to timely request a hearing shall constitute a waiver by the company of any rights to a hearing. Upon request for a hearing, the revocation shall be stayed until final administrative action has been effected.

(3) The hearing will be a quasi-judicial proceeding before a hearing officer appointed pursuant to section 25-16 of this Code.

(4) All parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceeding. Any party desiring the hearing be recorded shall be responsible for arranging and paying the cost of a court reporter's attendance and services.

(5) If the hearing officer finds, by a preponderance of the evidence, that the company meets the requirements for license revocation, then the hearing officer shall uphold the decision to revoke the company's license and set the revocation date to begin 15 days from the date of the final administrative order, subject to a writ of certiorari being filed pursuant to paragraph (7) below.

(6) At the conclusion of the hearing, the hearing officer shall issue findings of fact based on evidence in the record and conclusions of law and shall issue an order, which shall be sent by regular U.S. mail to the person authorized by the company as its agent in its registration with the City.

(7) The final administrative order of the City is subject to certiorari review in a court of competent jurisdiction in Bay County, Florida by the timely filing of a petition. Filing of a petition in the court shall not operate as a stay of the revocation.

(f) Any company whose company license has been revoked shall not be eligible to obtain a company license until such revocation period has expired.

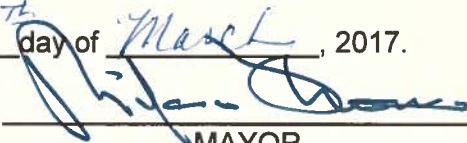
SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.


SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon passage.

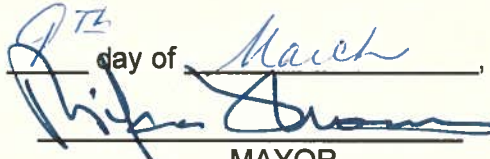
PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 9th day of March, 2017.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 9th day of March, 2017.


MAYOR

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